

United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID F. SUEN,  
Plaintiff,

v.

STATE OF CALIFORNIA, et al.,  
Defendants.

Case No. [15-cv-04020-JSC](#)

**ORDER OF DISMISSAL**

On September 2, 2015, Plaintiff, a California prisoner proceeding pro se, filed this civil rights complaint under 42 U.S.C. § 1983.<sup>1</sup> On the same day, the Clerk notified Plaintiff he had neither paid the filing fee nor completed an application to proceed in forma pauperis (“IFP”). The Clerk mailed Plaintiff the Court’s IFP form along with the deficiency notice, as well as a stamped return envelope and instructions for completing the IFP form. The notice informed him that the case would be dismissed if he did not either pay the filing fee or file a completed IFP application within 28 days. No response has been received. Accordingly, this case is DISMISSED without prejudice to Plaintiff filing his civil rights complaint in a new action in which he either pays the filing fee or submits a complete IFP application.

The Clerk shall enter judgment and close the file.

**IT IS SO ORDERED.**

Dated: October 16, 2015

  
JACQUELINE SCOTT CORLEY  
United States Magistrate Judge

<sup>1</sup> Plaintiff has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Dkt. No. 4.)